

REMARKS

Allowed Claims

Claims 11-15 were allowed.

Specification

The spelling error in the heading "DESCRIPTION OF THE PREFERRED EMOBIMENTS" has been corrected.

Claim Objections

Claim 23 has been amended to remove the duplicate word "the" in line 2.

Claim Rejections - 35 USC § 112

Claims 21-24 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The rejection states that the claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The rejection specifically identified the limitation "a second porous layer with a sintered thickness of 10 to 20 μ m and a porosity of at most 40%" is not supported by the specification. The rejection noted that specification discloses on page 4, "The porosity of layer 6 is preferably 40%". The rejection noted that

layer 6 is disclosed as the first porous layer, not the second porous layer.

The Examiner is correct.

Further, note that original claim 6 of the PCT (of which the present application is the national stage thereof) recites "Fuel cell according to one of the preceding claims, wherein said stress compensation layer has a porosity of at most 40%." The stress compensation layer is layer 6.

Claim 21 has been amended to correct this problem.

Withdrawal of the rejection is solicited.

In view of the Official Action indicating that claims 21-24 would be allowable if the 112, 1st paragraph rejection were obviated, allowance of claims 21-24 is solicited.

A Notice of Allowance is also solicited.

Should there be any matters that need to be resolved in the present application; the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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